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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,179	01/17/2001	Ulrich Arndt	H01.2-9610	7026

490 7590 07/30/2003

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6109 BLUE CIRCLE DRIVE  
SUITE 2000  
MINNETONKA, MN 55343-9185

[REDACTED] EXAMINER

LUK, EMMANUEL S

ART UNIT	PAPER NUMBER
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1722

7

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/764,179	ARNDT ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Emmanuel S. Luk	1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 June 2003.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Streit.

Streit teaches the claimed apparatus having a die for rotary compression, comprising a die holder (Fig. 3; outside casing) and die insert (Fig. 3, inside casing), the dies insert is seated in an end-side bore in a front-end face of the die holder (Fig. 3), the die insert having a trunnion-shaped projection (projection between elements 42 and 40) that is seated in the end-side bore and mounted via releasable fastening means (45), the projection adapted to rotate in the die bore between axially spaced stops by means of cooperation of threaded spindle and spindle nut means and to be biased by a spring biasing means (25) towards the front-end face. The threaded spindle (40) is connected to a free end of the projection and the bore has disposed therein, in non-rotary relationship, a spindle nut (element where 15 is located on in Fig. 3) with which the threaded spindle (40) interacts. The trunnion-projection engages a groove of the die holder (located on the spindle nut), the groove sized to allow for axial motion of the die insert. The die insert is rotates around to align the markings (Fig. 2). The trunnion is located at the end of a spindle by which it is located in the bore.

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Streit fails to teach a spring or helical spring.

However, Streit does teach spring biasing retaining rings constructed from a flexible metal material such as spring steel (Col. 5, lines 27-34).

It would have obvious to one of ordinary skill in the art to recognize the spring biasing retaining rings taught by Streit to have the same function as springs in biasing the elements.

In regards to the angle of rotations, it would have been obvious to limit the rotation of die insert to the desired angles, since Streit teaches a die insert that is completely rotatable and includes the claimed angles.

In regards to the automatic rotation of the insert, the rotation of the releasable fastening means (45) will automatically rotate the surrounding concentric rings (20, 21, 22) and thus considered to be adapted to automatically rotate in the bore in a first rotational direction. The dies are already biased by the springs (25) and the movement to fasten will be axially moved against the spring bias.

3. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Streit as applied to claims 1, 2, ~~5 and 7-10 above~~, and further in view of Wieder.

Streit fails to teach a radial pin, and abutment between the die insert and the die holder.

Wieder teaches a die insert (56) that is inserted into the bore (232, 234) of the cup (64), the spindle nut (226) is located by radial pins (246, 270) that fastens the

elements in place. The die insert rotates until it is stopped due to the abutment of the guide ball (240) to the end of the groove (58).

Streit does teach the spindle nut having a threaded portion for fastening the spindle nut to the outer housing.

It would have been obvious to one of ordinary skill in the art to modify Streit with a radial pin for fastening the spindle nut to the outer housing and abutment between the die insert and the outer housing for limiting rotation as taught by Wieder because it provides releasable fastening of the elements.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection. The applicants have specifically focused on the automatic rotation of the insert. However, the movement of the releasable fastening means will also rotate the rings, thereby having automatic rotation of the inserts. Thereby, Streit does teach the limitations that the applicants have focused on and thus, the other arguments concerning Streit and Wieder is considered moot.

#### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel S. Luk whose telephone number is (703) 305-1558. The examiner can normally be reached on Monday through Friday 8 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on (703) 308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

E.L.  
July 25, 2003

  
W. L. WALKER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700